INDEX

Administrative law 22–45
Agency 434–437
  attornment 435–436
  estoppel and 436–437
  principal, disclosed 434
  principal, undisclosed 434–435
American Law 256 et seq
Anton Piller Order 250
Aristotle 94–95, 96–99, 100–107
Assumpsit
  action of 295 et seq
  debt and, overlap of 296–307
Attornment 434–437
Australian law
  unconscionable dealing in 275 et seq

Banks
  fiduciary duty of 275 et seq
Bentham, Jeremy 14, 88–89, 123–124, 131
Bias, rule against 29
Blackstone, Sir W. 318 et seq
  Commentaries, the 339 et seq
  institutional writings 321–327
Breach of confidence action 361 et seq

Canadian Criminal Code 437 et seq
Cases
  evidence, on 132–136
Cicero 94–96, 98, 105
Civil procedure
  discovery, *see* Discovery
Coke
  Institutes of 336–337
  Slade's Case, on 298, 304, 316–317
Common Law
  codification 452 et seq
  defences 452 et seq
Comparative Law
  Europe and America, of 256 et seq
  torts, of 235 et seq
Constitutional Law 260 et seq
  Blackstone and 347
Contract
  agency 434–437
  assumpsit, action of 295 et seq
  bad bargains 399 et seq
  breach of confidence action in 364–365
  expectation losses 409 et seq
  freedom of, 139
  liability and measure of damages 393–399
  overheads, recovery of 416–420
  reliance damages 393 et seq
  restitutionary claims 402–405
  Sixteenth Century law 295 et seq
  time of essence in, 137–142
Corpus Juris Civilis 321, 323
Cowell, J.
  Institutions of 333, 336–339
Criminal Law
  corroboration 147 et seq
  excessive force, use of 444 et seq
  entrapment 437 et seq
  homicide 444 et seq

Damages
  assumpsit and debt, in 309–310
  measure of 393–399
  overheads, recovery of 416–420
  reliance 393 et seq
  restitutionary claims 402–405
Debt, writ of 295 et seq
Defences
  change of circumstances as a, 144–147
  public interest, disclosure in the 361 et seq
  tort liability and, 68–76
Deposits 137–142
Discovery, Law of 250 et seq
Du Marsais 107–108
Dworkin, R. M. 1, 10, 167–168

Equal Opportunities Commission 229
Equity
  breach of confidence in 362–364
  change of circumstances as defence in, 144–147
  confidential information and third parties in, 142–143
  maxims of 423–424
  misrepresentation in 283–284
  remedies in, 142 et seq
  specific performance and land, 137 et seq
  trusts and 421 et seq
  unconscionable dealing 275 et seq
  undue influence and 284 et seq
  volunteers in, 143–144
Employment Appeal Tribunal (EAT) 203, 204–205, 216, 217–218, 219, 225
Employment Law 245
Entrapment 437 et seq
Error of Law
  Anisminic Case, the, 31–33
  Judicial Review and, 22–45
  'law' or 'fact' 39–45
  Re Racal Case, the 33–37
  ultra vires and 22, 24–29
Estoppel
  attornment and 436–437
  promisory, 139, 141–142
European Court of Justice 256 et seq
European Economic Community 256 et seq

INDEX

Administrative law 22–45
Agency 434–437
  attornment 435–436
  estoppel and 436–437
  principal, disclosed 434
  principal, undisclosed 434–435
American Law 256 et seq
Anton Piller Order 250
Aristotle 94–95, 96–99, 100–107
Assumpsit
  action of 295 et seq
  debt and, overlap of 296–307
Attornment 434–437
Australian law
  unconscionable dealing in 275 et seq

Banks
  fiduciary duty of 275 et seq
Bentham, Jeremy 14, 88–89, 123–124, 131
Bias, rule against 29
Blackstone, Sir W. 318 et seq
  Commentaries, the 339 et seq
  institutional writings 321–327
Breach of confidence action 361 et seq

Canadian Criminal Code 437 et seq
Cases
  evidence, on 132–136
Cicero 94–96, 98, 105
Civil procedure
  discovery, *see* Discovery
Coke
  Institutes of 336–337
  Slade's Case, on 298, 304, 316–317
Common Law
  codification 452 et seq
  defences 452 et seq
Comparative Law
  Europe and America, of 256 et seq
  torts, of 235 et seq
Constitutional Law 260 et seq
  Blackstone and 347
Contract
  agency 434–437
  assumpsit, action of 295 et seq
  bad bargains 399 et seq
  breach of confidence action in 364–365
  expectation losses 409 et seq
  freedom of, 139
  liability and measure of damages 393–399
  overheads, recovery of 416–420
  reliance damages 393 et seq
  restitutionary claims 402–405
  Sixteenth Century law 295 et seq
  time of essence in, 137–142
Corpus Juris Civilis 321, 323
Cowell, J.
  Institutions of 333, 336–339
Criminal Law
  corroboration 147 et seq
  excessive force, use of 444 et seq
  entrapment 437 et seq
  homicide 444 et seq

Damages
  assumpsit and debt, in 309–310
  measure of 393–399
  overheads, recovery of 416–420
  reliance 393 et seq
  restitutionary claims 402–405
Debt, writ of 295 et seq
Defences
  change of circumstances as a, 144–147
  public interest, disclosure in the 361 et seq
  tort liability and, 68–76
Deposits 137–142
Discovery, Law of 250 et seq
Du Marsais 107–108
Dworkin, R. M. 1, 10, 167–168

Equal Opportunities Commission 229
Equity
  breach of confidence in 362–364
  change of circumstances as defence in, 144–147
  confidential information and third parties in, 142–143
  maxims of 423–424
  misrepresentation in 283–284
  remedies in, 142 et seq
  specific performance and land, 137 et seq
  trusts and 421 et seq
  unconscionable dealing 275 et seq
  undue influence and 284 et seq
  volunteers in, 143–144
Employment Appeal Tribunal (EAT) 203, 204–205, 216, 217–218, 219, 225
Employment Law 245
Entrapment 437 et seq
Error of Law
  Anisminic Case, the, 31–33
  Judicial Review and, 22–45
  'law' or 'fact' 39–45
  Re Racal Case, the 33–37
  ultra vires and 22, 24–29
Estoppel
  attornment and 436–437
  promisory, 139, 141–142
European Court of Justice 256 et seq
European Economic Community 256 et seq

Evidence
cases, 132–136
corroboration 147 et seq
proof, burden of 368 et seq
teaching 131–136
Excessive force, use of 444 et seq

Fair rents 287 et seq
Finch, H. 329, 330–331, 337, 343, 345–346
Fleming, John 47n, 49
Forefeiture
relief against 137–142
Fraud 275 et seq, 313–315

Gawdy, Francis 304–305

Harari, A. 48
Harsanyi, J. 167
Hart, H. L. A. 6, 13, 15, 118, 123–135
Hawkins, A. J. 244, 247–249
Hepple, B. A. 245, 248–249
Homicide, lawful 444 et seq
Honoré, A. M. 245 et seq
Housing Law 244 et seq

Income Tax
choice of unit 168–171
household income and 173 et seq
justification of unit 171–173
lump sum and 164
progressive 157 et seq
Injunctions
confidential information and 142–143
Institutional rights 1–5
Ius commune 321 et seq

Judicial Review 22–45
error of law and 22–45
ultra vires and 22, 24–29
Jurisprudence
rhetoric and 88–122
Justinian
Institutes of 325–327, 338–339

Kant, I. 108, 109
Kelsen 10

Landlord and Tenant Law 244
fair rents 287 et seq
Law books 266 et seq
Law Commission, The
breach of confidence action and 361–362, 367–368, 372–373, 382 et seq
entrapment and 441 et seq
Lawson, Prof. F. H. 235 et seq
obituary 153–156

Legal duties 123–135
Legal education 266 et seq
Legal rights 1–21
duties and 3, 5
institutional rights and 1–5
legal change and 19–20
legal justifications and 5–15
liberty rights and 20–21
moral principles and 15–19
officials and corporations and 20
punishment and 4
validity and 9–12
Levine, J. B. 250 et seq
Lex Aquila 235
Locke, John 108
Locus standi, rules of 4, 5

Manslaughter 444 et seq
Mareva Injunction 250
Markesinis, B. S. 235 et seq
Marriage 245 et seq
Mens Rea
entrapment and 439
Mill, J. S. 124–129
Misrepresentation 278 et seq
Montesquieu, Baron C. de
L'esprit des lois 323
Moral rights 123–135
Murder 444 et seq

Natural justice 29
Negligence, *see also* Tort liability and
breach of statutory duty and 429 et seq
civil law, in, 235 et seq
economic loss 238–241
France, in, 236, 241–243
Germany, in, 236 et seq
Nietzsche, F. 109–110

Official secrets cases 368–369

Pecheux, M. 101–102
Perelman, Chaim
rhetoric, on 111–120
Perpetuities, rule against 454 et seq
Philosophy and the law 88–122, 123–135
Plato 100–101
Principal and agent *see* Agency
Property Law
deposits and specific performance 137–142
fair rents 287 et seq
Public interest, disclosure in the 361 et seq
Rawls, J. 166–167
Remedies
equitable 142–147
Rhetoric as Jurisprudence 88–122
Rights
legal *see* Legal rights

liberty 20–21
moral 15–19
officials and corporations, of, 20
Rousseau, Jean-Jacques 100
Rubinstein 26

Seear, Baroness 227
Self-defence
excessive force in 444–449
Sen, Amartya K. 177
Sex discrimination
Employment Appeal Tribunal and 203, 204–205
'husband and wife team' and 233
institutions, in, 222–226
foreign customs and 230–232
legal restrictions on women and 229–230
occupational qualification, sex as, 198 et seq
oil rigs etc. 219–222
other countries and 208 et seq
pension schemes 205
personal services and 226–228
Sex equality *see* Sex discrimination
Slade's Case 295 et seq
aftermath of 315–317
arguments in 307–315
Socrates 100
Specific performance 137–142
Spouses 245 et seq
St. Augustine 95
Statutes
evidence, on, 132–136
Supreme Court of the United States 256 et seq

Taxation, avoidance of
trusts and 460 et seq
Taxation, unit of 157 et seq
choice of 168–171
justification 171–173
household income and 173 et seq
exchange and sharing 184 et seq
intrahousehold exchange 191–197
Tort
breach of confidence as action in 361–362, 366–368
breach of statutory duty 429 et seq
comparative law of 235 et seq
liability for 46–87
animals 59–60
assumption of risk theory 80–85
cause and fault, 52–76
defences 68–76
fault and 76–87
human acts and activities 56–58
loss-avoidance 68
natural forces 58–59
risk generation 53–60
Rylands v *Fletcher*, rule in 68, 72–73, 81–83
statutory powers 77–80
negligence 235 et seq, 429 et seq
Tribunals 37–39
Trusts
cy-près doctrine 462
law books on 421 et seq
perpetuities, rule against 454 et seq
tax avoidance and 460 et seq
variation of 460

Ultra vires, doctrine of, 22, 24–29
Unconscionable dealing 275 et seq
Utilitarianism 125–129, 161 et seq

Wade, Prof. 38n
Winfield, Sir Percy 50
Wood, T.
Institute of 336–337, 338, 343, 348–349

Yates, D. 244, 247–249